

REMARKS

I. ELECTION/RESTRICTION

The Examiner asserted that the originally filed claims are subject restriction pursuant to 35 U.S.C. 121 and 372 and thus require an election of an invention to be examined.

Applicant is required to elect a single invention to which the claims must be restricted:

Group I, claims 1-15, drawn to a product.

Group II, claims 24 and 26, drawn to a method of manufacturing a product.

Although applicants do not necessarily agree that restriction/election is required in this case, applicants nevertheless elect, without traverse, to pursue the invention in Group I, claims 1-15, drawn to a product. Accordingly, applicants elect to withdraw claims 24 and 26 from consideration. Applicants retain the right to file divisional applications to the unelected claims.

In addition to the restriction requirement, the patent Office further requires a specie election:

For the invention of Group I, the species are as follows:

- Wax phase component (claims 5-7 and 9-11)
- Polymer (claim 14)

Applicants elect to pursue the invention in claims 5-7 and 9-11, drawn to the wax phase component and more particularly to the component “waxes” in claim 5 and more particularly to the dialkyl(ene) ethers referred to in claims 5 and 9, part (a). Attorney for Applicants is unaware of any common or trade name for these components except for any common names or trade names that may have been referred to in Applicant’s specification.

Applicants will cancel any withdrawn claims upon indication of allowance of the remaining claims by the Examiner.

With regard to the missing claim 25 from the claim set, Applicants have provided herewith a corrected claim set that corrects the typographical error in the previous claim set.

II. CONCLUSION

Examination on the merits is respectfully requested. An early and favorable response is earnestly solicited.

Respectfully submitted,

/James P. Barr/

James P. Barr
Reg. No. 32,882
Attorney for Applicant(s)

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2826
DATE: November 20, 2009